

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	1.2.01
PROCEDURES MANUAL		ISSUE DATE	April 17, 2006
SUBJECT	Threatening, Abusing, or Impeding a Division Employee	Section	All
		Last Revised	3-12-97

OBJECTIVE AND INTENT:

To support Division employees threatened, abused, or impeded (by clients) in the performance of their responsibilities.

PROCEDURES:

In the event of a confrontation at a site within the Division’s jurisdiction, the employee shall immediately leave the site in a professional manner. The employee shall report the incident to his or her supervisor. If there is a life-threatening situation or departure from the site is not possible, the Big Stone Gap office should be contacted by radio, if possible, so the proper authorities may be summoned.

The appropriate manager should be immediately notified of the situation. The employee receiving the radio or telephone call for assistance shall immediately advise the employee as to what assistance has been dispatched.

All the facts concerning the confrontation must be documented by the employee and provided to the first level manager as soon as possible (preferably the same day the confrontation occurred). This information shall be transmitted from the manager to the Division Director who will determine and initiate the appropriate legal action.

The Director shall make a determination of whether to pursue legal action, based on the facts gathered from an internal investigation of the incident. (This should occur within 5 workdays after the incident is reported.)

If legal action is warranted, the Division Director may recommend or order the following:

- that the employee file a civil and/or criminal charge against the person(s) with the appropriate County/City Magistrate in a situation of assault or battery. The appropriate Commonwealth Attorney must prosecute the case based on charges filed by the affected employee or a witness to the incident. The Division shall provide administrative assistance to the employee in obtaining the summons or warrant;
- that the employee file criminal action under 45.1-246(E-G) or 45.1-257 of the Act for the person’s alleged willful violation of the Act; and/or
- when an employee has been unlawfully impeded from performing his or her duties, the Division may take administrative action to revoke or suspend the permit (if the incident occurred on a permitted site).

In determining the appropriate legal action to pursue, Division management on a case-by-case basis may consult with the Assistant Attorney General.

The Division Director’s final written determination or course of action should be provided to the employee within five working days after the incident is reported.

If the other party to the incident initiates legal action against the Division’s employee, the Division will use its available resources to support and defend the employee as long as the employee acted in a reasonable and professional manner, in good faith, and within the scope of employment. If the employee acted beyond the scope of employment or in an irresponsible manner, he or she shall be held accountable to the Division under the Commonwealth’s Standards of Conduct and Performance rules.

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	1.2.01
PROCEDURES MANUAL		ISSUE DATE	April 17, 2006
SUBJECT	Threatening, Abusing, or Impeding a Division Employee	Section	All
		Last Revised	3-12-97

Nothing herein precludes the employee from initiating civil and/or criminal action on his or her own accord. The employee should inform his or her supervisor and the Division Director when independent civil or criminal action is initiated.